

**Weil, Gotshal & Manges LLP**

BY ECF

767 Fifth Avenue  
New York, NY 10153-0119  
+1 212 310 8000 tel  
+1 212 310 8007 fax

**Randi W. Singer**  
+1 (212) 310-8152  
randi.singer@weil.com

October 31, 2013

Judge Kiyo A. Matsumoto  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Room S905  
Brooklyn, New York 11201

Re: **Innovation Ventures, LLC et al. v. Ultimate One Distributing Corp., et al., No. 12 Civ. 5354**

Dear Judge Matsumoto:

We represent Defendant Core-Mark International, Inc. ("Core-Mark") in the above-captioned litigation. We write jointly with Plaintiffs regarding Core-Mark's June 14, 2013 request for a pre-motion conference on its proposed partial motion to dismiss Plaintiffs' Seventh Amended Complaint for failure to state a claim as to certain causes. *See* Docket No. 584.

On September 13, 2013, per Plaintiffs and Core-Mark's request, this Court postponed ordering a pre-motion conference or setting a briefing schedule with respect to Core-Mark's proposed motion to dismiss until October 31, 2013 in order to give the parties an opportunity to engage in settlement negotiations. *See* Order granting Motion for Extension of Time to File dated September 13, 2013. While no settlement has been reached, the parties are engaged in settlement negotiations and are hopeful that this motion practice may become moot.

As the parties continue to try to resolve this dispute, Core-Mark and Plaintiffs are writing to request that the Court again postpone the pre-motion conference and briefing schedule with respect to Core-Mark's proposed motion to dismiss until January 31, 2014.

We are available at the Court's convenience to answer any questions or if the Court wishes to discuss further.

Respectfully submitted,

/s/ Randi W. Singer

cc: Counsel of Record (via ECF)